

In the  
Indiana Supreme Court



IN THE MATTER OF THE )

APPROVAL OF LOCAL RULES )

FOR NEWTON COUNTY )

Case No. 56S00-12 **07** -MS- **393**

ORDER APPROVING AMENDED LOCAL RULES

The Judges of the Newton Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Newton Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR56-8 and LR56-15 comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR56-8 and LR56-15 for Newton County Courts, set forth as an attachment to this Order, are approved effective January 1, 2013. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Jerry F. Leach, Newton Circuit Court, P.O. Box 101, Kentland, IN 47951-0101; the Hon. Daniel J. Molter, Newton Superior Court, P.O. Box 143, Kentland, IN 47951-0143; to the Clerk of the Newton Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Newton Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 12<sup>th</sup> day of July, 2012.

Brent E. Dickson  
Chief Justice of Indiana

## **NEWTON COUNTY CASELOAD ALLOCATION PLAN**

### **LR-56-15      General Rules (Ind.TR.81)**

#### **15. Caseload Allocation Plan**

##### **(A) Criminal Caseload Allocation Plan**

All Adult Criminal and Juvenile Delinquency cases shall be filed pursuant to LR-56-8.

##### **(B) Civil Caseload Allocation Plan**

- (1) All cases designated by statute to be filed in a particular Court shall be filed in the Court so designated by statute.
- (2) All Traffic cases shall be filed in Superior Court.
- (3) Any Ordinance Violation cases may be filed in Circuit or Superior Court.
- (4) All Juvenile cases shall be filed in Circuit Court.
- (5) All Civil Collection cases shall be filed in Circuit Court.
- (6) All Protective Order cases shall be divided equally, by the Clerk, between Circuit and Superior Court.
- (7) All Small Claims cases shall be filed in Circuit Court.
- (8) All other Civil cases may be filed as has been traditional, in either Circuit or Superior Court.

##### **(C) Review of Caseload allocation Plans**

The Judges of Circuit and Superior Courts shall review the new case filings each quarter to determine if any disparity in Court caseloads exist and if any adjustments need to be made to the above Allocation Plans.

### **LR-56-8      Criminal Rules (Ind. CR. 2.2)**

**8.1.** All criminal cases shall be filed in the Superior Court.

**8.2.** All juvenile cases shall be filed in the Circuit Court. In the event that a juvenile is waived to criminal jurisdiction, the Circuit Court shall retain jurisdiction in that case.

**8.3.** Each matter filed in each of the Courts shall routinely be assigned to the Judge elected or appointed to serve in that respective Court. Despite routine assignment of cases, the Judges herein reserve the right to assign any case at any time to the other sitting Judge, subject to acceptance by the assigned Judge. In the event either a juvenile or criminal case is reassigned to another Judge without prior consent of the parties and after the time has lapsed for requesting a change of Judge under Criminal Rule 12, the parties shall have five days from the reassignment to file a motion for change of Judge.

**8.4.** Once a case has been filed and assigned to a particular Court and Judge then that Court and Judge shall retain jurisdiction over every matter relating to the disposition of the case, including matters and motions relating to the dismissal and refile of charges or allegations.

**8.5.** In the event a motion for change of Judge is granted by the regular presiding Judge or successor Judge assigned pursuant to LR-56-8.3, then that Judge shall reassign the case to the other sitting Judge in the County. If the other sitting Judge in the county is disqualified or ineligible to serve, then a Special Judge shall be sequentially selected from an alphabetized alternative assignment list composed of Judges from contiguous counties and Senior Judges assigned to that court. Senior Judges Robert M. Hall, E. Duane Daugherty, J. Phillip McGraw, Judge John D. Potter of Jasper Circuit Court, Judge James Ahler of Jasper Superior Court and Judge Rex W. Kepner of Benton Circuit Court have agreed to serve in the event they are assigned a case under this Rule.